



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,615	05/11/2001	Hidenori Takata	35.C15354	5344

5514 7590 04/15/2004

FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER

PHAM, KHANH B

ART UNIT	PAPER NUMBER
----------	--------------

2177

DATE MAILED: 04/15/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/852,615

Applicant(s)

TAKATA ET AL.

Examiner

Khanh B. Pham

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 14-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 14-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Amendment***

1. The amendment filed February 4, 2004 has been entered. Claims 2-13 have been canceled. Claim 1 has been amended. Claims 14-19 have been added.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 17 recites the limitation "the value corresponding to an amount of a battery charge cannot be increased", which conflicts with its parent claim limitation: "revises battery information to increase a value corresponding to an amount of a battery charge" (Claim 16, lines 7-8)

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. **Claims 1, 14-19 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Kanno (US 5,943,650 A), hereinafter "Kanna", and in view of O'Connor et al. (US 5,691,742 A), hereinafter "O'Connor".

As per claim 1, Kanno teaches a software management apparatus comprising:

- "means for storing battery information corresponding to a charging amount of a battery to control running of software" at Col. 4 lines 5-10;
- "means for revising the battery information to decrease a value corresponding to an amount of a battery charge according to an increase of an amount of running of the software" at Col. 3 lines 55-67;
- "means for controlling a display to show battery condition information according to the battery information revised by said means for revising the battery information and a predetermined limit value" at Col. 9 line 15-27 and Fig. 1, elements 24, 26;

Kanno uses text to display battery condition information but does not use "an animation to show battery condition information" nor "different animations on the display in the respective case that the battery is attached or unattached" as claimed. However, it is well known in the art to use animated graphic to show battery condition information. For example, O'Connor teaches the use of animated graphic to show battery condition at Col. 5 lines 28-29. O'Connor also uses different animations on the display in the respective case that the battery is attached or unattached" at Col. 5 lines 30-42. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Kanno and O'Connor's teachings because, as noted by O'Connor, "the characteristic of the graphical status indicator is that changes can be perceived immediately without reading the text around it. The graphic state is keyed to a number of internal factors and changes to alert the user to changes in operation and battery condition" (Col. 5 lines 33-35). Modifying Kanno's teaching by replacing text display with animated graphics as taught by O'Connor to show battery condition is therefore an obvious improvement.

**As per claim 14**, Kanno and O'Connor teach the apparatus according to claim 1 as discussed above. Kanno also teaches: "the value corresponding to an amount of a battery charge cannot be increased" at Col. 10 lines 30-40

**As per claim 15**, Kanno and O'Connor teach the apparatus according to claim 1 as discussed above. Kanno also teaches: "the battery information includes a value to control a period of service" at Col. 4 lines 12-26.

**As per claim 16**, Kanno and O'connor teach the apparatus according to claim 1 as discussed above. Kanno further teaches:

- “means for communicating via a network with an apparatus in a predetermined site in the network” at Col. 10 lines 45-65;
- “means for receiving battery information via said communicating means communicating with the apparatus” at Col. 10 lines 55-63;
- “wherein said means for revising the battery information revises battery information to increase a value corresponding to an amount of a battery charge based on communications with the apparatus in the predetermined site in the network” at Col. 10 lines 55-63.

**As per claim 17**, Kanno and O'connor teach the apparatus according to claim 16 as discussed above. Kanno further teaches: “the value corresponding to an amount of a battery charge cannot be increased” at Col. 10 lines 30-40.

**As per claim 18**, Kanno and O'connor teach the apparatus according to claim 16 as discussed above. Kanno further teaches: “the value corresponding to an amount of a battery charge can be increased to a predetermined value” at Col. 10 lines 40-44.

**As per claim 19**, Kanno and O'connor teach the apparatus according to claim 16 as discussed above. Kanno further teaches: “said means for communicating via a network with an apparatus can communicate with a plurality of sites from which battery information is available” and “wherein said means for receiving battery information based on a selection by a user from among the apparatus at the plurality of sites” at Col. 11 lines 50-55 and Col. 12 lines 30-55.

***Response to Arguments***

7. Applicant's arguments with respect to claims 1, 14-19 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's argument regarding the limitation "a display to display an animation showing battery condition information, and to display different animations in the respective case that battery is attached or unattached" has been considered but are moot in view of the new ground of rejection. The newly found O'Connor reference teaches this limitation and also provides motivation to combine with Kanno's reference as claimed. See also the 103 rejection in section 6 of this Office Action.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2177

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh B. Pham whose telephone number is (703) 308-7299. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Khanh B. Pham  
Examiner  
Art Unit 2177

KBP  
April 6, 2004

  
SRIRAMA CHANNAYYA  
PRIMARY EXAMINER